

## **REMARKS/ARGUMENTS**

Applicant has reviewed and considered the Final Office Action mailed on March 24, 2006.

Claims 1, 8, 12, 16, and 23 have been amended to more clearly recite the claimed subject matter. Applicant submits no new matter has been added in amended claims 1, 8, 12, 16, and 23. Claims 1-6, 8-20, and 22-30 are pending in this application.

### **§ 103 Rejection of the Claims**

#### **Claims 1-6 and 8-15**

Claims 1, 9-10 and 12 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,655,084 to Pinsky et al. (Pinsky), in view of JP Patent No. 406209907 to Miyajima (Miyajima) and U.S. Patent No. 5,671,353 to Tian et al. (Tian), and further in view of U.S. Patent No. 5,465,331 to Yang et al. (Yang).

Claims 2-3 were rejected under 35 USC §103(a) as being unpatentable over Pinsky, Miyajima, Tian, and Yang as applied to the claims above, and further in view of U.S. Patent No. 5,361,334 to Cawley.

Claims 4-6, 8, and 13-15 were rejected under 35 USC §103(a) as being unpatentable over Pinsky, Miyajima, Tian, and Yang, as applied to the claims above, and further in view of U.S. Patent No. 6,351,547 to Johnson.

Claim 11 was rejected under 35 USC §103(a) as being unpatentable over Pinsky, Miyajima, Tian, and Yang, as applied to the claims above, further in view of Wahle (Secure Inter-Institutional Image Communication by using DICOM-DICOM Gateways-[retrieved IEEE database]), and further in view of U.S. Patent No. 6,252,857 to Fendick.

#### **Claim 1**

Applicant has amended claim 1 to more clearly recite the claimed subject matter. In so far as the rejection applies to claim 1 as amended, Applicant respectfully traverses the rejection as follows.

Applicant respectfully submits the cited documents do not teach or suggest all the elements recited in claim 1. For example, it does not appear that Pinsky, Miyajima, and/or Tian, alone or in combination, teach or suggest a method that includes, besides other things, requesting invalid or incomplete patient data to reconcile patient data during a reconciliation event and to add the reconciled patient data to the asset (the image data and patient data) and then forwarding the asset with the added reconciled patient data upon reconciling the patient data, as provided for in claim 1.

So, as recited in claim 1 the asset that is forwarded includes not only the image data and the reconciled patient data, but also the patient data that was found to be invalid or incomplete. The cited documents, besides other things, do not appear to teach or suggest this aspect provided in claim 1.

As such, Applicant respectfully submits that the recited documents do not teach or suggest all of the elements, either independently or in combination, recited in independent claim 1. Accordingly, reconsideration and withdrawal of the §103 rejection for independent claim 1, as well as those claims which depend therefrom, is respectfully requested.

#### Claim 12

Applicant has amended claim 12 to more clearly recite the claimed subject matter. In so far as the rejection applies to claim 12 as amended, Applicant respectfully traverses the rejection as follows.

Applicant respectfully submits the cited documents do not teach or suggest all the elements recited in claim 12. For example, it does not appear that Pinsky, Miyajima, and/or Tian, alone or in combination, teach or suggest a method that includes, besides other things, requesting invalid or incomplete patient data to reconcile patient data and to add the reconciled patient data to a storage asset (the image data and the patient data), and then forwarding the storage asset including the reconciled patient data to a network destination upon validating the patient data and prior to receiving all of the image data, as provided for in claim 12.

So, as recited in claim 12 the storage asset that is forwarded includes not only the reconciled patient data, but also the patient data that was found to be invalid

or incomplete. The cited documents, besides other things, do not appear to teach or suggest this aspect provided in claim 12.

As such, Applicant respectfully submits that the recited documents do not teach or suggest all of the elements, either independently or in combination, recited in independent claim 12. Accordingly, reconsideration and withdrawal of the §103 rejection for independent claim 12, as well as those claims which depend therefrom, is respectfully requested.

#### Claims 16-20 and 22

Claim 16 was rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,661,228 to Haworth, et al. (Haworth), in view of U.S. Patent No. 5,105,424 to Flaig, et al. (Flaig), further in view of JP Patent No. 406209907 to Miyajima (Miyajima), Tian, and further in view of Yang.

Claim 17 was rejected under 35 USC §103(a) as being unpatentable over Haworth, Flaig, Miyajima, Tian, and Yang and further in view of Cawley.

Claims 18-20 were rejected under 35 USC §103(a) as being unpatentable over Haworth, Flaig, Miyajima, Tian, and Yang and further in view of Johnson.

Claim 22 was rejected under 35 USC §103(a) as being unpatentable over Haworth, Flaig, Miyajima, Tian, and Yang further in view of Wahle (Secure Inter-Institutional Image Communication by using DICOM-DICOM Gateways- [retrieved IEEE database]), and further in view of Fendick.

Applicant respectfully traverses the rejections.

#### Claim 16

Applicant has amended claim 16 to more clearly recite the claimed subject matter. In so far as the rejection applies to claim 16 as amended, Applicant respectfully traverses the rejection as follows.

Applicant respectfully submits the cited documents do not teach or suggest all the elements recited in claim 16. For example, it does not appear that Haworth Flaig, Miyajima, Tian and/or Yang, alone or in combination, teach or suggest a router that includes, besides other things, a validation software module that validates the patient data in parallel with the storage of an asset of image data and the patient

data, where the validation software module issues a reconciliation event when the patient data is invalid or incomplete to reconcile the invalid or incomplete data; a patient manager that reconciles invalid data in the patient data during the reconciliation event to form reconciled patient data; and a routing module that forwards the storage asset with the reconciled patient data added to a network destination in accordance with the routing information upon the validation of the patient data, as recited in claim 16.

So, as recited in claim 16 the routing module forwards the storage asset of the image data and the patient data that was found to be invalid or incomplete, along with the reconciled patient data. The cited documents, besides other things, do not appear to teach or suggest this aspect provided in claim 16.

As such, Applicant respectfully submits that the recited documents do not teach or suggest all of the elements, either independently or in combination, recited in independent claim 16. Accordingly, reconsideration and withdrawal of the §103 rejection for independent claim 16, as well as those claims which depend therefrom, is respectfully requested.

#### Claims 23-30

Claims 23 and 25 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,642,513 Schnellinger, et al. (Schnellinger), in view of Fendick, and further in view of Miyajima.

Claim 24 was rejected under 35 USC §103(a) as being unpatentable over Schnellinger, Fendick and Miyajima as applied to the claims above, and further in view of Wahle (Secure Inter-Institutional Image Communication by using DICOM-DICOM Gateways- [retrieved IEEE database]).

Claims 26-28 were rejected under 35 USC §103(a) as being unpatentable over Schnellinger, Fendick and Miyajima as applied to the claims above, and further in view of U.S. Patent No. 6,574,629 to Cooke, Jr., et al..

Claims 29-30 were rejected under 35 USC §103(a) as being unpatentable over Schnellinger, Fendick and Miyajima as applied to the claims above, and further in view of U.S. Patent No. 6,532,455 to Martin, et al.

#### Claim 23

Applicant has amended claim 23 to more clearly recite the claimed subject matter. In so far as the rejection applies to claim 23 as amended, Applicant respectfully traverses the rejection as follows.

Applicant respectfully submits the cited documents do not teach or suggest all the elements recited in claim 23. For example, it does not appear that Schnellinger, Fendick, and/or Miyajima, alone or in combination, teach or suggest a method that includes, besides other things, requesting the invalid or incomplete image data and/or patient data to reconcile invalid or incomplete image data and/or patient data during a reconciliation event and to add the reconciled image data and/or patient data to the storage asset of image data and patient data, and then forwarding the network communications with the added reconciled image data and/or patient data according to selected routes in parallel, as provided for in claim 23.

So, as provided for in claim 23 the network communication that is forwarded includes not only the reconciled image data and/or patient data, but also the patient and/or image data that was found to be invalid or incomplete. The cited documents, besides other things, do not appear to teach or suggest this aspect provided in claim 23.

As such, Applicant respectfully submits that the recited documents do not teach or suggest all of the elements, either independently or in combination, recited in independent claim 23. Accordingly, reconsideration and withdrawal of the §103 rejection for independent claim 23, as well as those claims which depend therefrom, is respectfully requested.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0122 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 22<sup>nd</sup> day of May, 2005.

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Date: May 22, 2006